

**REMARKS**

**Examiner's Rejections and Objections**

The subject patent application is a continuation of U.S. Patent Application Serial No. 10/213,193 which was filed on August 6, 2002.

In the Office Action received during the prosecution of the '193 application, the Examiner rejected Claims 1, 2 and 6-9 under 35 U.S.C. §102(b) as being anticipated by the Takimoto reference ("Takimoto"). The Examiner also rejected Claim 3 under 35 U.S.C. §103(a) as being unpatentable over Takimoto in view of the Cowper reference. Furthermore, Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Takimoto in view of the Arabia reference. The Examiner additionally rejected Claim 5 under 35 U.S.C. §103(a) as being unpatentable over Takimoto in view of the Walter reference.

The Examiner further rejected Claim 10 under 35 U.S.C. §103(a) as being unpatentable over Takimoto in view of the Stole reference. The Examiner rejected Claims 11, 13, 15, 16 and 18-19 under 35 U.S.C. §103(a) as being unpatentable over the Enomoto et al. reference ("Enomoto") in view of Takimoto. Claims 12 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Enomoto in view of Takimoto and in further view of the Walter reference. The Examiner also rejected Claim 14 under 35 U.S.C. §103(a) as being unpatentable over Enomoto in

view of Takimoto and in further view of the Nicholsfigueiredo reference. Lastly, Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Enomoto in view of Takimoto and in further view of the Stole reference.

As will be demonstrated below, it is respectfully submitted that the presently pending claims, and more particularly new independent Claims 21, 27 and 34, incorporate certain features which are believed to be allowable over all of the relevant prior art references cited in the earlier prosecution.

#### New Independent Claims 21, 27 and 34

Applicant has added independent Claims 21, 27 and 34 which are believed to incorporate distinguishable features so as to be novel over the prior art of relevance cited thereagainst, namely, Takimoto.

##### 1. Applicant's Present Invention

The lock system of the present invention, as recited in new independent Claims 21 and 27, recites a lock device which selectively engages and disengages the locking member when the lock and unlock positions are formed, respectively.

Furthermore, the lock system of the present invention, as recited in new independent Claim 34, recites a plurality of stoppers provided on ends of the locking member which abut respective portions of the side housing surface to confine the

slidability of the locking member between the lock and unlock positions.

As will be demonstrated below, Applicant feels that such recitation of elements, along with other enumerated elements of new base Claims 21, 27 and 34, will be sufficient to patentably distinguish the present invention over the cited prior art of relevance, namely, Takimoto.

## 2. The Standard for 35 U.S.C. §102 Rejection

As is well-known, anticipation cannot be established unless a single prior art reference discloses each and every element of the claimed invention. Structural Rubber Co. v. Park Rubber Co., 749 F.2d 707, 223 U.S.P.Q. 1264 (Fed. Cir. 1984). Further, for anticipation to apply, all of the claimed elements must be found in exactly the same situation and united in the same way to perform the identical function in a single unit of the prior art. (See, e.g., Studiengeselosehaft Kohle m.b.H. v. Dart Industries, 762 F.2d 724, 726, 220 U.S.P.Q. 841, 842 (Fed. Cir. 1984)). Even further, any inherency which is applied in the context of anticipation "does not embrace probabilities or possibilities." Trintec Industries Inc. v. Top-U.S.A. Corp., 63 U.S.P.Q.2d 1597, 1601 (Fed. Cir. 2002) (holding of no express or inherent anticipation in a scenario where a catalog taught printing methods but not "creating" anything in a computer as the latter was not disclosed therein). As will be demonstrated

below, Takimoto fails to anticipate the present invention in view of such legal standard.

3. Takimoto In View of the Present Invention

Even though the Takimoto reference is generally directed toward a lock, it is not understood to disclose the present invention's specific combination of elements as recited in new independent Claims 21, 27 and 34, and more particularly fails to teach or suggest (1) a lock device which selectively engages and disengages the locking member when the lock and unlock positions are formed, respectively (as recited in Claims 21 and 27), and (2) a plurality of stoppers provided on ends of the locking member which abut respective portions of the side housing surface to confine the slidability of the locking member between the lock and unlock positions (as recited in Claim 34).

With respect to the feature emphasized in new independent Claims 21 and 27, Applicant believes that the lock of Takimoto fails to disclose the concept of specifically providing a separately placed lock device which selectively engages and disengages the locking member in order to form the lock and unlock positions. In fact, Applicant respectfully submits that Takimoto is silent as to such concept. Rather, as understood, the control pin (equivalent to the present invention's lock device) of Takimoto is "fixedly mounted radially on the bolt." (Column 2, lines 60-61). Applicant submits that Takimoto's

control pin is not separately provided from its bolt but rather integrally formed therewith, and therefore cannot selectively engage and disengage the bolt in order to form the lock and unlock positions. In this respect, Applicant respectfully submits that Takimoto fails to disclose such emphasized feature of new independent Claims 21 and 27.

With respect to the feature emphasized in new independent Claim 34, Takimoto is not understood to disclose a plurality of stoppers provided on the locking member's ends which abut respective portions of the side housing surface to confine the slidability of the locking member between the lock and unlock positions. At best, Takimoto simply offers a push button which "is rotatably mounted on a rear-end portion of the bolt 4 through a retaining ring." (Column 3, lines 46-47). Applicant submits that such push button is provided on only one end, cannot abut the respective portions of the side housing surface (See, Figure 1), and does not confine the slidability of the bolt or locking member between the lock and unlock positions. Hence, Applicant respectfully submits that Takimoto fails to disclose such feature which is emphasized in new independent Claim 34.

Applicant respectfully submits that the new base Claims 21, 27 and 34 are allowable. Insofar as the new base Claims 21, 27 and 34 are believed to be allowable, their dependent claims are

also believed to be allowable as they are further limitations of their respective independent claims.

Request for Allowance

On the basis of the foregoing, Applicant respectfully submits that all the stated grounds of rejections have been overcome, and that Claims 21-40 are in condition for allowance. An early Notice of Allowance is therefore respectfully requested.

Should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

Respectfully submitted,

Date: 12-3-03

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